

**FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF ARKANSAS

DIVISION

CASE NO. 3:20-cv-00178-BSM-PSH

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
AUG 14 2020
JAMES W. McCORMACK, CLERK
DEP CLERK

2020 AUG 14 A 4:28

AMENDED COMPLAINT

Jury Trial: ☐ Yes ☐ No
(Check One)

I. Parties

In item A below, place your full name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

- A. Name of plaintiff: Walter T Guffey Jr
 ADC # 22272
 Address: Sheridan City Detention Center
304 GATZKE, Sheridan AR 72150
- Name of plaintiff: _____
 ADC # _____
- Address: _____
- Name of plaintiff: _____
 ADC # _____
- Address: _____

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.

- B. Name of defendant: USMS United States Marshall Service
- Position: United States Marshall
- Place of employment: Federal Court house
- Address: 600 West Capitol Ave Suite A-328
Little Rock, AR 72201
- Name of defendant: Turn Key Health
- Position: Health Provider

Place of employment: Pulaski Co. Jail
Address: 3201 W. Roosevelt Rd LITTLE ROCK AR
72204
Name of defendant: Nurse Practitioner Mrs. Roberts
Position: Supervisor, Nurse Practitioner
Place of employment: Turn Key Health
Address: 3201 W. Roosevelt Rd LITTLE ROCK AR
72204
Name of defendant: Sgt Brawley
Position: Grievance Officer
Place of employment: Pulaski Detention Facility
Address: 3201 W. Roosevelt Rd LITTLE ROCK AR
72204

II. Are you suing the defendants in:

- ☐ official capacity only
☐ personal capacity only
☒ both official and personal capacity

III. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes X No

- B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

- ☐ Parties to the previous lawsuit:

Plaintiffs: Walter T Guffey Jr

Defendants: Lucas Emberton Et. AL

(B.1) Name of defendant John or Jane Doe
Position Medical Administrator
Place of employment Pulaski Co. Jail / Turn Key Health
Address 3201 West Roosevelt Rd Little Rock, Ar
72204

Name of Defendant Nurse Jamie Trowbridge
Position Supervisor
Place of Employment Turn Key Health /
Greene Co. Detention Facility
Address 1809 Rocking Chair Rd Greene Co.
Paragould Ar, 72450

Name of Defendant Brent Cox
Position Jail Administrator
Place of Employment Greene Co. Detention
Facility
Address 1809 Rocking chair Rd Greene Co.
Paragould Ar 72450

Name of Defendant Turn Key Health
Position Health Provider
Place of Employment Greene Co. Detention Facility
Address 1809 Rocking Chair Rd Greene Co.
Paragould Ar 72450

- ☒ Court (if federal court, name the district; if state court, name the county):
Eastern District of Ark
- ☒ Docket Number: 4:19-cv-00363 BRW-BD
- ☒ Name of judge to whom case was assigned: Mas. Beth Deora
- ☒ Disposition: (for example: ~~Was the case dismissed?~~ Was it appealed?
 Is it still pending?) failure to send claim
- ☒ Approximate date of filing lawsuit: May 20-2019
- ☐ Approximate date of disposition: Sept/Oct-2019

IV. Place of present confinement: 1809 Rocking Chair Rd
Greene Co. Jail Paragould AR 72450

V. At the time of the alleged incident(s), were you:
 (check appropriate blank)

- ☒ in jail and still awaiting trial on pending criminal charges
- ☐ serving a sentence as a result of a judgment of conviction
- ☐ in jail for other reasons (e.g., alleged probation violation, etc.)
 explain: _____

awaiting trial

VI. The Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, requires complete exhaustion of administrative remedies of all claims asserted, prior to the filing of a lawsuit. There is a prisoner grievance procedure in the Arkansas Department of Correction, and in several county jails. Failure to complete the exhaustion process provided as to each of the claims asserted in this complaint may result in the dismissal without prejudice of all the claims raised in this complaint.

A. Did you file a grievance or grievances presenting the facts set forth in this complaint?

Yes ☒ No ☐

B. Did you completely exhaust the grievance(s) by appealing to all levels within the grievance procedure?

Yes ☒ No ☒If not, why? took answer to grievance
at face value

VII. Statement of claim

State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On Feb. 27th 2019 I was placed in custody by the United State Marshall's Service (USMS) in Van Buren Co. of Clinton Ark, by Agent Johnny Sobell. On March 26th 2019 I became ill and was sent to Ozark Health Center in Van Buren Co, with blood in stool and urine. Unable to treat me I was sent by Ambulance to E.R. at Baptist Health Hospital in Pulaski Co. at Little Rock, Ark. my escort was OFF. Smith of Van Buren Co. Jail. On April 6th 2019 (After spending 10-days and over \$84,000 in medical bills)- I was discharged.

* Statement of Claim *

Unable to provide me with the medical attention that I will be required to have, OFF. Smith and OFF Billy Parker called USMS a man named "Bruce". they were told to take me to Pulaski County Jail in Little Rock, ARK.

Upon my arrival at Pulaski Co. Jail (April 6th 2019) I was placed in medical care of Turn Key Health Provider by Nurse Practitioner Ms. Roberts (defendant) and Dr. Tilly. I provided Nurse Practitioner Ms. Roberts with a copy each of my "After Visit Summary" and a handwritten 2-page *Discharge Instruction* for me by my Admitting and Attending, Internal Medicine Provider Dr. Ahmed Tarek Abdelal cell ph# 501-455-7021. The USMS was also provided with the "After Visit Summary" and *Discharged Instructions* along with the medical bills.

In these 2-pgs of documents it clearly states that I have a stone in my urine track and 7-Kidney stones, that must be dealt with in one-week of my discharge. Surgically.

* Statement of Claim *

At the writing of this claim, 73-week has passed by, without any thing being done to provide me proper medical services. I still once again have very painful urination, passing Kidney stone, blood and infection in my urine.

I was under NP. Mrs Roberts medical care from April 6th 2019 to May 24, 2019 in which I myself provided her w/ the *After Visit Summary* and my *Discharge Instructions*. Again.... I saw NP. Roberts 2 to 3 times within that time frame (April 6th 2019 to May 24, 2019) I also filed sick calls...., but no medical help.

On May 24-2019 (while still in the USMS Custody) I was transferred to Lonoke Co. Jail in Lonoke Ark. Upon my arrival I was talking with medical staff and gave them a copy of the *After Visit Summary* and my *Discharge Instructions* after reading them. They told me "don't get comfortable" that I will be going back to Polaski soon. (7-days later May 31-2019 I was sent back to Polaski Co. Jail.

Statement of Claim

Upon my arrival back at Pulaski Co. Jail on May 31st 2019. In which I had to start all over again the process of getting the medical staff (Turn Key Health) NP. Ms Roberts to provide me with the much needed medical surgery that I was entitled to get done on order by "Baptist Health" doctor Ahmed Tarek Abdelal, MD (501-455-7021)

At that time 6-1, 2, 3, 4, 5-2019 "I ask NP. Roberts" have you not even read the *Discharge *Instructions* written by the hand of Dr. Abdelal of Baptist Health Hospital... No avail... I claim that she as being in a Supervisor Role as Nurse Practitioner, it was her full medical obligation to know that I was 8-weeks over due at that time to have surgery done, which she chose to do nothing or very little. Upon finding out that I was a Federal Inmate, that became Ms. Roberts battle cry and I quote "I'll let the USMS know"... to no avail...

On 6-12, 15, 21-2019 filed 3 Grievances #19-714 but lining my medical problem Grievance Off. Sgt. Brawley answered it on 7-5-2019

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Statement of Claim

Sgt. Brawley - states that - "Our" (who is this) medical Administrator stated, you state that you have a urological stent, you state that you should return to the urologist. You have an approved appointment with a urologist. You will be transported to the appointment."

I took that decision at face value, but 13-months later at 8-10-2020, that approved or not approved appointment has yet to come to fruition...

Someone is not telling the truth on purpose I am being ignored, that's why I am naming as defendants, the USMS, Nurse Practitioner Mr. Roberts, Grievance Off. Sgt Brawley and the Medical Administrator of Pulaski Co. Jail (who that maybe)?

While still in USMS custody on August 30-31-2019 I was yet again transferred to Greene Co. Jail in Paragould, ARK.

Upon my arrival at Greene Co. Jail at my intake on Medical - Nurse T. Huggins and Nurse J. Trowbridge was giving a copy of my "After Visit Summary" and *Discharge Instructions

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Statement of Claim

In Sept. 2019 I filed sick-call letting medical staff know about my medical issues and that I have a appointment to have stent removed made by Pulaski Co. Jail/Turn Key Health Provider.

Nurse Jamie Trowbridge answered my request with "I called Pulaski and they know nothing about any appointment for you".

That same month Sept. 2019 I saw Dr. James Carter, along with 23-other inmates the came with me from Pulaski Co. Jail. Dr. Carter said that "he was making sure that I was getting all my meds. I then ask if he has seen my "After Visit Summary" and "Discharge Instruction" that's when Nurse J. Trowbridge said that she has made copies for my Medical Records and that she has let the USMS know. That became the battle cry from Nurse Trowbridge. From my Arrival at Greene Co. Jail on August 30th 2019 to

Statement of Claim

my transfer on July 13th 2020-back to Pulaski Co. Jail. I filed sick after sick call about needing surgery and having the same medical problems that sent me to E.R in "Baptist Health Hospital", blood in urine with infection and very painful urination. I am naming Nurse Jamie Prowbrige as a defendant for not following through as a Pro. health care worker for "Turn Key Health" also a Defendant, on my medical conditions and issue of getting me surgery, by not fulfilling her role as a supervisor has denied me due process of medical procedures and by knowing and having knowledge of my "After Visit Summary" and *Discharge Instructions* has caused me undue stress and very painful situation now for 73-weeks which if ~~she~~ she has read the Dr. orders from Dr. Abdelal which clearly states to have surgery with-in 1-week (not 73-weeks) By not pursuing the Dr's order, she has delayed further prolong of my surgery.

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Statement of Claim

I filed a grievance Ref # 5,969,599 outlining once again my medical issues - pursuant to Medical Request Ref # 5,862,236 and to Medical Request Ref # 5,881,890.

On 1-16-2020 OFF. Hubble, answered grievance with noted, Appeal to Jail administrator Dr. Brent Cox - he responded on 2-28-2020 9:02 AM He states that "he has sent another E-mail to the USMS related to my issues" to, no Avail.

In May 2020 I passed one of the 7-Kidney stone. I sent medical request that "will someone please come get the stone". Nurse J. Trowbrigg & OFF. A. Hubble came and got it. In June 2020, I began to deal with N.P. Tammy Glenn. As we (her & I) began to discuss my medical issues. I ask her if in my medical file or records is there documentation of my *After Visit Summary* and *Discharge Instruction* from "Baptist Health Hospital" w/ Dr. Addotal. She said "I haven't seen those" So I provided her with my original copies, that she brought back to me. I ask about the old Kidney stone I gave to Nurse Trowbrigg. Nothing.

Statement of Claim

Once she N.P. T. Glenn had and read the *After Visit Summary* and *Discharge Instructions* she set-up a Video-Visit w/ Dr. James Carter and once, Dr. James Carter and N.P. Tanny Glenn and I went over the *After Visit Summary* and *Discharge Instructions*. He stated for "Ms. Glenn" to start calling around Paragould, Ark to get me appointment (HSA) to remove the stone in my urine tract and to have the 6-remaining kidney stones burst-up, so they won't be as painful to pass. This Video-Visit w/ Dr. Carter took place July 5, 6, or 7th of 2020. Once again, On July 13th 2020 I was transferred back to Pulaski B. Ver. Once again I am back under N.P. Roberts and Turn Key Health care. We had a video visit on or about July 22, 23, 2020. Once again I provided N.P. Roberts and Nurse Arnold w/ *After Visit Summary* and *Discharge Instructions*. I told them that I am still having very painful urination, blood w/ infection in my urine and still have 6-Kidney stones to pass.

Statement of Claim

A. UA was taken by Nurse Arnold and was prove to be positive w/ Blood & Infection in urine... I ask Nurse Prac Roberts & Nurse Arnold to please help me to get a well over due surgery of a removal of a stunt in my urine track. They both assured me that is possible... but to no Avail.

Once Again on July 31st-2020 I was transfered by the USMS to Sheridan Detention Facility in Grant County at Sheridan Ark... I fear that if I file any more sick-calls or grievances that all it will get me is yet another transfer, my track record w/ the USMS transfers speak for it self.

My main claim is that the USMS has the final pay so on me "Walter T. Guffey Jr (Federal # 32644-009) On Feb. 27th 2019-I became thier responsibility. And by April 13th 2019 the USMS was in default of getting me surgery. I am still in undue pain & suffering due to the negligence of said "Defendants". I can't believe that with all the dealings that I have had, pro. medical personal has chose to turn a blind-eye to Dr. Abdelali's *Discharge Instructions

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Statement of Claim

I am not a Dr. or a lawyer, but I am a victim in this case.

THE bottom line is "I am still passing very painful Kidney Stones (6) and have blood w/ infection in my urine that has been going on for 14-months now.

I have ~~two~~ choices to believe and that is - N.P. Roberts, Nurse Jamie Troubrige, Dr. Brent Cox never got in contact w/ the USMS on my medical surgery, or that the USMS chose to ignore the Medical personal that got in contact w/ them when it came to me.

Someone dropped the ball but it wasn't me.

Covid-19 was not around when I should have had surgery, but it is now, which put me at my age in greater risk of getting it, w/ all the blood issue I am having.

VIII. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Get a operation to get stent removed
get Kidney stone (6) out - stop the pain
and suffering of blood + infection in urine.
compensate for undue stress

I declare under penalty of perjury (18 U.S.C. § 1621) that the foregoing is true and correct.

Executed on this _____ day of _____, 20____.

Walter T. Caffery Jr
Signature(s) of plaintiff(s)

Signed (in the presence the of notary)

Walter T Guffy Jr

DO NOT WRITE BELOW THIS AREA

Acknowledgement

State of Arkansas

County of Grant

On this 12th day of August, 2020, before me, (notary) Cheryl Miller
personally appeared, Walter T. Guffy, Jr.
(signer's name printed)

personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the instrument herein and acknowledged to me that he/she executed the same for the purpose therein contained.

In WITNESS whereof, I have hereunto
set my hand and official seal.

[Signature]

(notary signature)

My Commission Expires: 6-26-2026

